

AMENDED IN ASSEMBLY JUNE 18, 2002

AMENDED IN ASSEMBLY JUNE 4, 2002

AMENDED IN SENATE APRIL 1, 2002

SENATE BILL

No. 1633

Introduced by Senator Soto

February 21, 2002

An act to add Section 14006.7 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 1633, as amended, Soto. Medi-Cal: transfer of property interest: notice.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons.

Existing law requires the department and any nursing facility, at the time of either application for Medi-Cal benefits or of the assessment of the resources of a married couple when one spouse is institutionalized, prior to admitting any person, to provide a clear and simple statement, in writing, to the applicant or recipient, to his or her spouse, and to his or her legal representative, if any, explaining how Medi-Cal eligibility requirements affect certain exempt resources, certain protections against spousal impoverishment, and certain circumstances under which an interest in a home may be transferred without affecting Medi-Cal eligibility.

This bill would similarly require the department, at the time of application by an aged, blind, or disabled Medi-Cal applicant who is not

receiving aid under other programs, as specified, to provide a clear and simple statement, in writing, to the applicant, *and to the applicant's spouse, legal representative, or agent, if any*, explaining how Medi-Cal eligibility requirements affect certain circumstances under which an interest in a home may be transferred for less than fair market value without affecting Medi-Cal eligibility.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 14006.7 is added to the Welfare and Institutions Code, to read:

14006.7. (a) At the time of application for Medi-Cal benefits, the department shall provide to any applicant who is aged, blind, or disabled, other than an individual applying for, or receiving, aid under Chapter 2 (commencing with Section 11200), Article 5 (commencing with Section 12200) of Chapter 3, or Article 7 (commencing with Section 12300) of Chapter 3, *and to the applicant's spouse, legal representative, or agent, if any*, a clear and simple statement, in writing, in a form and language specified by the department, ~~to the applicant, the applicant's spouse, legal representative, or agent, if any~~, that explains the circumstances under which an interest in a home may be transferred for less than fair market value without affecting Medi-Cal eligibility.

(b) The statement required by subdivision (a) shall be in the following form:

“NOTICE REGARDING TRANSFER OF A HOME FOR
BOTH A MARRIED AND AN UNMARRIED
APPLICANT/BENEFICIARY

A transfer of property interest for less than fair market value in a Medi-Cal beneficiary's home will not cause ineligibility for Medi-Cal benefits if at the time of the transfer, the home would have been considered an exempt resource.

This is only a brief description of the Medi-Cal eligibility rules. For more detailed information, you should call your county welfare department. You will probably want to consult with an attorney, your local legal services program for seniors, or the local

1 branch of the long-term care ombudsman program.

2
3 I have read the above notice and have received a copy.

4 Dated: _____ Signature: _____”

5
6 (c) The statement required by subdivision (a) shall be printed
7 in at least ~~10-point~~ 12-point type, shall be clearly separate from
8 any other document or writing, and may be signed by the applicant,
9 the applicant’s spouse, legal representative, or agent, if any.
10 Failure to sign this form shall not result in ineligibility for medical
11 assistance.

12 (d) The department may revise this statement as necessary to
13 maintain its consistency with state and federal law.

14 (e) In the case of an applicant applying for Medi-Cal
15 reimbursement for nursing facility care, the statements required
16 under Sections 14006.2 and 14006.3 shall apply, *and the*
17 *statement required by subdivision (a) shall not be provided.*

